

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Matthew F. Ackley et al.	Examiner:	Michael Roswell
Serial No.:	09/441,388	Group Art Unit:	2171
Filed:	November 16, 1999	Docket No.:	2043.162US1
Customer No.:	49845	Confirmation No.:	4261
Title:	NETWORK-BASED SALES SYSTEM WITH CUSTOMIZABLE USER INTERFACE		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action dated December 20, 2011 and the Advisory Action mailed on February 27, 2012, please consider the remarks below.

The Rejection of Claims Under § 103

Claims 27-29, 31-35, 38-40, 44, 45, 54, 55, 57-65, and 69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carlin et al. (US Patent No. 6,119,152, hereinafter “Carlin”), in view of “Domain Names - Concepts and Facilities” (RFC 1034), Fisher et al. (US Patent No. 5,835,896, hereinafter “Fisher”), and Ng et al. (US Patent No. 6,609,133, hereinafter “Ng”).

Applicants respectfully submit that the rejection of claims 27-29, 31-35, 38-40, 44, 45, 54, 55, 57-65, and 69 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

Claim 27 includes the following limitations:

a central database system that stores the listing,

the sales server further comprising:

an object model representation of the central database system that is stored in memory; and

a publisher subsystem to scan the central database system to identify records in the central database system that have changed, the publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed.

Ng

Ng relates to an object relational mapping tool that updates an object model based on changes made to a database schema. The changes to the database may include an addition of a new table, an addition of a new column, an addition of a new foreign key, a deletion of a table and a deletion of a column.^{1,2} Ng further relates to additional changes made to the database schema. The additional changes include a deletion of a foreign key, a change to a column attribute, and a change made to a foreign key.^{3,4}

Claim 27 recites, “[a] publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed...” In contrast, the above quoted material from Ng relates to an object relational mapping tool that updates an object model based on changes made to a database schema. Specifically, “changes made to a database schema,” as related by Ng, fails to teach or suggest “records in the central database system identified as changed...,” as recited by claim 27. That is, the above material from Ng merely relates to changes to the model of the table as a whole and columns within the table. To be sure, Ng states, “**FIG.11A** and **FIG.11B** depict a flowchart of the states performed by the object-relational mapping tool depicted in **FIG. 1** to update the object model...”⁵ Specifically, updating an object model may not be said to teach or suggest “records in the central database system identified as changed,” as recited by claim 27. Ng therefore cannot be said to teach or suggest the above quoted limitation because Ng relates to changes made to a database schema and claim 27 recites, “[a] publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed...” These are distinguishable actions.

¹ Ng, FIG. 11A.

² Id., col. 8, lines 29-67.

³ Id., FIG. 11B.

⁴ Id., col. 9, lines 1-7.

⁵ Id., col. 3, lines 20-23.

In response to substantially similar remarks as those appearing above, the Advisory Action states the following:

Applicant argues that the Ng reference fails to teach changes to "records in the central database system identified as changed", citing that the Ng reference "merely relates to changes to the table as a whole and changes to columns within the table". The examiner respectfully disagrees. A database record, as is well known in the art, is analogous to the values found in a "row" of a database table. Applicant appears to be arguing that only a change in these values may constitute a change to a database record. The examiner contends that any modification made to the database that has an effect on the "row" is necessarily a change to the record. Therefore, as Ng teaches changes being made to a database "table as a whole and changes to columns within the table", such changes are analogous to the claimed changes to "records", as the "row" has been modified in some way by the table or column changes. As such, the examiner maintains the previous rejection of the claims filed 20 December 2011.

Applicants respectfully disagree. Applicants disagree for the reason that an object relational mapping tool that updates an object model fails to teach or suggest "*[a] publisher subsystem to modify ... based on the records in the central database system identified as changed...*" Specifically, an update of an object model fails to teach or suggest "*records in the central database system identified as changed,*" as recited by claim 27. To be sure claim 27 recites both, "*a central database system*" and "*an object model.*" That is, the quoted material from Ng may be said to be analogous to the "*object model,*" as recited by claim 27 but not both the "*object model*" and the "*central database system,*" as further recited by claim 27. Otherwise the proffered construction of the claim incorrectly reduces two distinct elements to one. Ng therefore cannot be said to teach or suggest the above quoted limitation because Ng relates to an object relational mapping tool that updates an object model and claim 27 recites, "*[a] publisher subsystem to modify a representation of the central database system in memory based on the records in the central database system identified as changed...*" These are distinguishable actions.

The above remarks are also applicable to independent claims 35 and 38.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 28-29, 31-34, 39-40, 44, 45, 54, 55, 57-65, and 69 under 35 U.S.C. § 103 is also addressed by the above remarks.

Fisher, Ng, Carlin and RFC 1034

Fisher Ng, Carlin and RFC 1034 also fail to teach or suggest the elements recited by the independent claims of the present application.

Claims 66 and 67

Claims 66 and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin, RFC 1034, Fisher, Ng and U.S. Patent 6,032,153, (hereinafter Sadiq).

Applicants respectfully submit that the rejection of claims 66 and 67 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

As mentioned above, neither Carlin nor RFC 1034 teach or suggest the quoted elements of the claims 27, 35 or 38.

Sadiq

Sadiq also fails to teach or suggest the elements recited by the independent claims of the present application.

Claims 66 and 67 depend on independent claim 27. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 66 and 67 under 35 U.S.C. § 103 is also addressed by the above remarks.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (408) 278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date March 19, 2012

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